

This listing of claims will replace all prior versions, and listings, of claims in the application.

**Listing of Claims:**

1. (Previously presented) A beverage container comprising:
  - a hollow body member with opposed ends,
  - a bottom member at one end and
  - a cap member covering an opening at the opposite end thereof, the cap member being sealingly fixed to the body member at said opposite end and in a manner forming a rim at about the periphery of said opposite end,
  - the cap member having:
    - a circular center panel having a separable portion, and
    - an annular groove located radially outward from the center panel and adjacent to the rim, and
    - a synthetic filler material formed into a ring and suitable for use in or on a drink container (i) covering the groove and (ii) merging with the upper surface of the center panel, where at least a portion of the separable portion of the center panel is uncovered when the filler material is covering the entire groove.
2. (Currently amended) A cap member for covering an open end of a beverage container having a hollow body member, the cap member comprising:
  - a peripheral curl for forming a rim;
  - a circular center panel having a scored region for forming a pour aperture,
  - a pull tab attached to the center panel proximate to the scored region; and
  - an annular groove located radially outwardly from the center panel and adjacent to the peripheral curl, and
  - a synthetic filler material formed into a ring and suitable for use in or on a drink container (i) covering the groove and (ii) merging with the upper surface of the center panel, where at least a majority of the center panel is uncovered when the filler material is covering at least a majority of the groove.

3. (Previously presented) The beverage container according to claim 1 wherein the cap member and the body member are arranged for removably fixing the cap member to the body member.
4. (Previously presented) The beverage container according to claim 1 wherein the cap member is configured so that its mid-point is relatively higher than its portion adjacent to the rim or rim forming portion.
5. (Previously presented) The beverage container according to claim 1 wherein the cap member includes one or more ribs or ridges formed on its interior surface and/or exterior surface for improving its structural strength.
6. (Previously presented) The beverage container according to claim 1 wherein the filler material extends to about the same level as the center panel.
7. (Previously presented) The beverage container according to claim 1 wherein the cap member has a scored region for forming a pouring aperture for dispensing beverage contained in the container and a pull tab.
8. (Previously presented) The beverage container according to claim 7 wherein one or more parts of the cap member surrounding the pour aperture is shaped so that any spillage of beverage may flow automatically back into the container through the aperture.
9. (Canceled)
10. (Previously presented) The beverage container according to claim 1 wherein the filler material is an adhesive material provided in the countersink and set therein.
11. (Previously presented) The beverage container according to claim 1 wherein the filler material is a ring of rubber or plastic insert element adapted for insertion in the countersink and fixed therein.

12. (Previously presented) The beverage container according to claim 11 further comprising an adhesive for fixing the filler material in the groove.
13. (Previously presented) The beverage container according to claim 11 further comprising a mechanical deformation for fixing the filler material in the groove, the mechanical deformation comprises one or more wedge portions projecting into one side or opposite sides of the filler material.
14. (Previously presented) The beverage container according to claim 13 wherein the wedge portion or portions extends laterally or longitudinally or at any angular direction, or in a combination of alternate lateral and/or longitudinal directions and/or angular directions.
15. (Previously presented) The beverage container according to claim 11 further comprising a mechanical deformation for fixing the filler material in the groove, the mechanical deformation comprises one or more deformable portions on the filler material and the deformable portion(s) are arranged so that upon insertion of the filler material into the countersink the deformable portions flow or deform in a manner which in cooperation with the sides of the countersink fixes the filler material therein.
16. (Previously presented) The beverage container according to claim 11 further comprising a mechanical deformation that comprises a suction portion formed on the filler material, the suction portion upon insertion in the countersink fixes to a surface of the countersink and thereby fixes the filler material in the countersink.
17. (Previously presented) The beverage container according to claim 1 wherein the center panel is configured in a manner so that an exterior surface thereof extending radially inwardly from the countersink is substantially flat or continuous, or has a slight curvature.
18. (Previously presented) The cap member according to claim 2 wherein the filler material extends to about the same level as the center panel.

19. (Canceled)
20. (Currently amended) The cap member according to claim [[19]] 2 wherein one or more parts of the cap member surrounding the pour aperture is shaped so that any spillage of beverage may flow automatically back into the container through the aperture.
21. (Canceled)
22. (Canceled)
23. (Previously presented) The cap member according to claim 2 wherein the filler material is an adhesive material.
24. (Previously presented) The cap member according to claim 2 wherein the filler material is a ring of rubber or plastic insert element adapted for insertion in the groove and fixed therein.
25. (Previously presented) The cap member according to claim 24 further comprising an adhesive for fixing the filler material in the groove.
26. (Previously presented) The cap member according to claim 2 wherein the cap includes a mechanical deformation of at least one of the cap and the filler material.
27. (Previously presented) The cap member according to claim 26 wherein the mechanical deformation comprises one or more wedge portions projecting into the filler material, each wedge portion projects into at least one side of the filler material.
28. (Previously presented) The cap member according to claim 27 wherein each wedge portion projects into opposite sides of the filler material.

29. (Previously presented) The cap member according to claim 27 wherein each wedge portion extends laterally or longitudinally or at any angular direction, or in a combination of alternate lateral and/or longitudinal directions and/or angular directions.
30. (Previously presented) The cap member according to claim 26 wherein the mechanical deformation includes at least one deformable portion on the filler material and the deformable portion(s) are arranged so that upon insertion of the filler material into the countersink the deformable portions flow or deform in a manner which in cooperation with the sides of the countersink fixes the filler material therein.
31. (Previously presented) The cap member according to claim 26 wherein the mechanical deformation comprises a suction portion formed on the filler material, the suction portion upon insertion in the countersink fixes to a surface of the countersink and thereby fixes the filler material in the countersink.
32. (Previously presented) The cap member according to claim 2 wherein the center panel is configured in a manner so that an exterior surface thereof extending radially inwardly from the countersink is substantially flat or continuous, or has a slight curvature.
33. (Previously presented) A beverage container comprising:  
a cylindrical body;  
an enclosed bottom at an end of the body; and  
a cap member covering an opening at an opposite end of the body, the cap member being affixed to the body by a peripheral seam; the cap member having:  
a circular center panel having a separable portion, and  
a circumferential recess located radially outward from the center panel, and  
a synthetic filler material suitable for use in or on a drink container (i)  
covering at least a portion of the recess that is proximate to the separable portion of the center panel and (ii) merging with an upper surface of the center panel, wherein at least a portion of the separable portion of the center panel is uncovered when the filler material is covering the portion of the recess that is proximate to the separable portion.

34. (Canceled)

35. (Previously presented) The cap member according to claim 2 wherein the center panel comprises a separable portion defined by a score line and at least a portion of the center panel including the separable portion is uncovered when the filler material is covering the entire groove.

36. (Previously presented) The beverage container according to claim 33 wherein the separable portion is uncovered when the filler material is the entire recess.